

JUSTICES OF THE PEACE FOR THE TOWN AND ISLAND OF BOMBAY and Messrs. STEARNS and KITTREDGE, we the undersigned, append the following illustration of the mode in which that section is to be construed:—

Suppose the *bond fide* value fixed by arbitration of the
grantees' stock is Rs. 10,00,000
4 per centum on this sum is „ 40,000

And suppose that the average annual profits,

for three years, of the grantees are . Rs. 1,00,000
Rs. 40,000 being deducted from Rs. 1,00,000 = Rs. 60,000—
Rs. 60,000 × 21 years = Rs. 12,60,000.

And the sum to be paid as purchase-money to the grantees will be—

Stock value . . . = Rs. 10,00,000
Compensation for good will = „ 12,60,000

Rs. . 22,60,000

(Signed) W. G. PEDDER, C. S.,
Municipal Commissioner.

(Signed) GEO. A. KITTREDGE,
For self and W. F. STEARNS.

BOMBAY ACT No. II OF 1874.

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PREAMBLE. [*Repealed.*]

PARTS I & II.

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1 to 7. [*Repealed.*]

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CIVIL JAILS.

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 11. Judge to visit civil jail.
 12. Medical officer to attend jail.
- Remedies administered at expense of Government.

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SECTIONS.

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14. Subsistence of prisoners in civil jail.
15. Disposal of corpse of prisoner dying in civil jail.
16. Disposal of subsistence-money in hand on prisoner's death or release.
Cost of disposing of corpses and other expenses connected with civil jail to be provided by Government.

PARTS IV TO XIV.

17 to 52. [*Repealed.*]BOMBAY ACT No. II OF 1874.¹

[15th January, 1875.]

An Act for the regulation of jails in the City and Presidency of Bombay and the enforcement of discipline therein.

Preamble. [*Rep. ²Act IX of 1894.*]

PARTS I AND II.

PRELIMINARY ; CLASSES OF JAILS.

1 to 7. [*Rep. ²Act IX of 1894.*]

PART III.

CIVIL JAILS.

8. [*Limitation of application of Part III.*] *Rep. ²Act IX of 1894.*

9. There shall be a civil jail at the seat of the District Court for each district created under section 3 of ³Act XIV of 1869 : Provided that it shall be in the power of the Governor in Council to establish ⁴civil jails at other convenient places.

Civil jail to be at seat of each District Court, and may be at other places.

¹ For Statement of Objects and Reasons, see Bombay Government Gazette, 1873, Pt. V, p. 290; for first Report of the Select Committee, see *ibid.*, 1874, p. 82; for second Report of the Select Committee, see *ibid.*, p. 121, and for Proceedings in Council, see *ibid.*, 1873, p. 483, and *ibid.*, 1874, pp. 111, 152 and 154.

Civil jails in the Presidency of Bombay outside the city of Bombay are administered under sections 9 to 16 of this Act as amended by subsequent enactments, see the Prisons Act, 1894 (9 of 1894), s. 1 (4), General Acts, Vol. VI, p. 159.

Bom. Act 2 of 1874 (as amended by Bom. Act 2 of 1882) has been declared, by notification under the Scheduled Districts Act, 1874 (14 of 1874), General Acts, Vol. II, p. 467, to be in force in the Island of Perim, see Appendix to Vol. I of this Code, p. 364.

² General Acts, Vol. VI, p. 159.

³ Vol. I of this Code, p. 92.

⁴ See Bombay Local Rules and Orders, Ed. 1898, Vol II, p. 524.

(Part III.—Civil Jails. Secs. 10-14.)

10. The nâzir of the District Court or of the chief Civil Court at the place where the civil jail is located shall be *ex-officio* keeper of the civil jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the Governor in Council, may direct.

Nâzir of District Court to be keeper of civil jail and to have establishment under him.

11. The Judge or the Assistant Judge of the district in which a civil jail is situated shall visit such civil jail at least once in each month, and shall issue in writing such orders connected with the economy of the jail, the good management, health and accommodation of the prisoners, as he may think fit.

Judge to visit civil jail.

He shall record the date of his visit, and any remarks he may have to make, in a book to be kept for the purpose.¹

12. A medical officer to be appointed by the Governor in Council shall attend the civil jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the civil jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners.

Medical officer to attend jail.

He shall also administer remedies at the expense of the Government to the sick: Provided that nothing contained in this section shall prevent a prisoner in a civil jail from employing at his own expense any medical man he may think fit to consult.

Remedies administered at expense of Government.

13. The civil jail shall be opened daily for the admission of those wishing to visit prisoners from 9 A.M. till 3 P.M., and no stranger shall be allowed to remain in the civil jail beyond the abovementioned hours except by permission of the Judge, the Assistant Judge of the district, or on the recommendation of the medical officer by the permission of the nâzir in charge of the jail.

Strangers may be admitted to civil jail.

14. *Clause 1.*—Prisoners in the civil jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence-money or batta furnished by the party at whose suit they are detained, require the nâzir to furnish their food and other necessities out of the subsistence-money fixed for them by the Court by which they are committed: Provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each civil jail and shall be accessible to all the prisoners.

Subsistence of prisoners in civil jails.

¹ See Bombay Local Rules and Orders, Ed. 1898, Vol. II, p. 524.

(Part III.—Civil Jails. Secs. 15-16.)

Clause 2.—Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the nāzir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of section 11 of this Act.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the nāzir on demand in writing the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

Disposal of
corpse of
prisoner
dying in civil
jail.

15. Whenever a prisoner shall die in the civil jail, the nāzir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector-General of Prisons, and the corpse of such prisoner shall, after the medical officer appointed under section 12 * * ¹ has certified to his death, be made over to his relatives or friends ²[if any be present and willing to take charge of it].

³If no relative or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of.

Disposal of
subsistence-
money in
hand on
prisoner's
death or
release.

⁴16. If, at the time of a prisoner's death or release, any of the subsistence-money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives: Provided that he or they claim payment thereof within three months from the date of such notice; failing which such balance shall become the property of Government.

Cost of
disposing of
corpses and
other

The cost of disposing of the corpses of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and

¹ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

² These words were substituted for the words "or in failure of their taking the corpse, it shall be buried, burnt or otherwise disposed of at the expense of the Civil Jail Fund, as hereinafter provided" by s. 1, Bombay Jails Amendment Act, 1882 (Bom. Act 2 of 1882), *infra* p. 799.

³ This clause was added by Bom. Act 2 of 1882, s. 1, *infra* p. 799.

⁴ This section was substituted by s. 2 of Bom. Act 2 of 1882. The original section was as follows:—

"The balance of subsistence-money remaining in hand at the time of a prisoner's death or release shall be credited to a fund, to be called 'the Civil Jail Fund,' to be expended on the burial, cremation or disposal of those buried, burnt or otherwise disposed of at the expense of the Fund, and in procuring comforts for sick prisoners, and generally for such purposes connected with the maintenance of the Civil Jail as the Governor in Council may authorise."

generally for the maintenance of the civil jail, shall be provided by Government subject to such rules as Government may from time to time prescribe in this behalf.

expenses
connected
with civil
jail to be
provided
by Govern-
ment.

PARTS IV TO XIV.

[CRIMINAL JAILS; SUPERINTENDENTS OF CRIMINAL JAILS, AND THEIR DUTIES; JAILORS AND THEIR DUTIES; MEDICAL OFFICER; PRISON OFFENCES; OFFENCES IN RELATION TO JAILS; VISITS TO, AND CORRESPONDENCE OF, PRISONERS; DISCHARGE OF PRISONERS; VISITORS OF JAILS; EXTRA-MURAL GANGS; MISCELLANEOUS.]

17 to 52. [*Repealed* ¹*Act IX of 1894.*]

THE BOMBAY HEREDITARY OFFICES ACT.

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